

Remarks

Claims 1-29 are cancelled and claims 30 - 58 added by this amendment.

Independent method claim 30 and system claim 46 include limitations of original claims 1 and 14 plus the limitation wherein a conditional criterion in a response template automatically activates alternative selections of text and data according to whether the criterion is met or whether the criterion is not met.

Basis for the amendment is found in the description, especially when read in connection with Figures 7-12 of the drawings.

New dependent method claims 32 and 42 includes aspects of original claim 2. Claims 36, 37, 38, 39, 40 and 41, respectively, include elements of original claims 4, 5, 6 with 7, 8, 11 and, 12 with 13. New system claims 52, 53, 54, 55, 56, and 57 include elements of claims 17, 18, 19, 21, 24 and 25, respectively.

Concerning the rejection of the original method claims under 35 USC 101, it is argued that the present claims are distinguished from Bilski in that, whereas, (as pointed out on page 4 of the USPTO's Opposition to the Petition for Certiorari), the method claimed by Bilski involved only the manipulation of non physical risks and legal liabilities of the commodity provider, the consumer, and the market participants having a counter-risk position to the consumer" - nonphysical transformations - the present claims concern useful results produced by the manipulation of data which, as pointed out on page 24 of Bilski Petition for Certiorari, was recognized by Congress as patentable when enacting 35 USC 273 .

Furthermore, independent method claim 30 now requires automatically activated selection of the text and data, necessarily requiring machine operation.

It is urged that, in conformity with well established policy of the Patent Office, any doubt be resolved in favor of the Applicant, particularly as Bilski's Petition for Certiorari has been granted by the Supreme Court.

In contending the examiner's rejection of the original claims as, variously, anticipated by and obvious in view of Powers (US 6,438,584), it is pointed out that Powers does not teach a template having embedded logic that causes (message) content of the document to be varied automatically on a recipient by recipient basis as

claimed in independent claims 30 and 46. The only variation taught by Powers concerns the delivery method in the sense of using, for example, a fax number for the fax 'channel' and an email address for the email 'channel'.

In addition, Powers does not teach a template which enables/provides an automatic batch driven process. Any initiation in Powers is merely a manual user driven process. Powers also does not teach business transaction data to drive the process. The only data available is static recipient data (fax number, name address and so on) The claimed invention uses transaction data as a basis for evaluating the embedded logic.

Power's teaching does not provide embedded data items within the (message) content. For example, if the letter writer wants to repeat the recipients name within the content body, the letter writer must retype it - they cannot embed a place - holder which subsequently gets substituted for the name.

Accordingly, it is believed that the newly submitted claims are neither anticipated nor obvious over Powers but define patentably over the cited art.

Favorable reconsideration of the application is requested.

Respectfully submitted,

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